

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NEW YORK LIFE INSURANCE AND
ANNUITY CORPORATION,

Plaintiff,

v.

Case No. 12-CV-1237 KG/GBW

EUGENE JOSEPH HUGHES, CURTIS
PINDER, DORIS K. HUGHES, and
DELORES F. ASHBY,

Defendants.

**ORDER GRANTING AMENDED JOINT MOTION TO DISMISS AND DIRECTING
PAYMENT OF FUNDS IN COURT REGISTRY AND IN MARRILL LYNCH
ACCOUNT**

THIS MATTER CAME before the Court on Defendants Eugene Joseph Hughes, Curtis Pinder, Doris K. Hughes, and Delores F. Ashby's (collectively referred to herein as "Defendants") joint motion requesting the Court for an Order dismissing Defendants from the above-captioned lawsuit, with prejudice; dismissing Curtis Pinder's crossclaim against Delores F. Ashby, with prejudice; and dismissing all claims that were brought or could have been brought by and among the parties herein, with prejudice. The Court finds that the motion is well taken and will be granted.

WHEREFORE;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, of the \$256,945.43 that remains in the Court's registry, those funds shall be immediately dispersed as follows:

1. \$83,892.68 to Curtis Pinder, 7605 Legacy Parkway, Cheyenne Wyoming 82009.
2. \$53,675.91 to Eugene Joseph Hughes, 64 Deerfoot Trail, Sun River, Montana 59483.

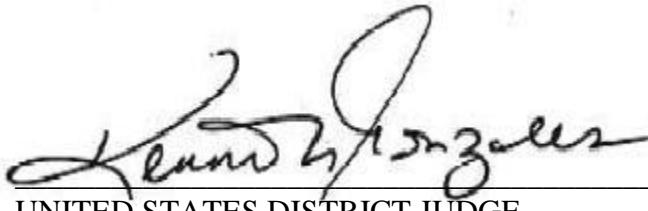
3. \$59,688.42 to Doris K. Hughes-Whitaker, 106 Richmond Terrace, Kernersville, No. Carolina 27248.

4. \$59,688.42 to Delores Fay Ashby, 6870 Lawrence Farm Lane, Randleman, NC 27317.

5. Any residual amounts to be distributed equally between Doris K. Hughes-Whitaker and Delores Fay Ashby.

IT IS FURTHER ORDERED that the proceeds of Eugene A. Hughes' Merrill Lynch account, W54-043668, be immediately distributed to the foregoing four Defendants in the amounts set forth in the Settlement Agreement and Release signed by the Defendants.

IT IS FURTHER ORDERED that Defendants are hereby dismissed from the above-captioned lawsuit, with prejudice; Curtis Pinder's crossclaim against Delores F. Ashby is hereby dismissed with prejudice; and all claims that were brought or could have been brought by and among the parties herein are dismissed with prejudice, with all parties to bear their own fees and costs.



UNITED STATES DISTRICT JUDGE

SUBMITTED and APPROVED BY:

BECKLEY & TANN, P.A.

By: /s/ Guy Tann
Guy Tann
8500 Menaul Boulevard NE, Suite A-400
Albuquerque, NM 87112

ATTORNEYS FOR DEFENDANT CURTIS PINDER

and

OLSEN PARDEN WILLIAMS, P.C.

By: /s/ Shannon A. Parden

Shannon A. Parden

Deena B. Williams

4253 Montgomery NE, Suite G-130

Albuquerque, NM 87109

ATTORNEYS FOR DEFENDANTS

DORIS K. HUGHES & DELORES F. ASHBY

and

Approved (see attached exhibit)

Eugene J. Hughes, *pro se*

64 Deerfoot Trail

Sun River Montana 59483